

for Roanoke
MAY 31 2007

JOHN F. CONCORAN, CLERK
BY: *[Signature]*
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JAMES EARL POTTS,)
Petitioner,) Case No. 7:06CV00524
v.)
GEORGE HINKLE,)
Respondents;) **ORDER**
) By: Jackson L. Kiser
) Senior United States District Judge
)
)

Petitioner James Earl Potts (“Petitioner”), a Virginia inmate, seeks a writ of habeas corpus pursuant to 28 U.S.C. §2254. The Respondent, George Hinkle, of the Virginia Department of Corrections (“Respondent”) has filed a Motion to Dismiss. The parties have briefed the issues and I find that oral argument is unnecessary and would not significantly aid the decisional process. For the reasons stated below, the Respondent’s Motion to Dismiss shall be **GRANTED**.

The Clerk is directed to send certified copies of this Order to all counsel of record, and to James Earl Potts. Any pending motions are to be dismissed as moot and the Clerk is directed to strike this case from the docket.

ENTERED this 31st day of May, 2007.

Jackson L. Kiser
Senior United States District Judge